



**MILPITAS CITY COUNCIL, REDEVELOPMENT AGENCY,
AND ECONOMIC DEVELOPMENT CORPORATION
MEETING AGENDA
TUESDAY, NOVEMBER 15, 2011**

6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)

SUMMARY OF CONTENTS

I. CALL TO ORDER/ROLL CALL by the Mayor (6:00 p.m.)

II. ADJOURN TO CLOSED SESSIONS OF CITY COUNCIL

1) PUBLIC EMPLOYEES PERFORMANCE EVALUATIONS

Pursuant to CA Government Code §54957

Positions: (1) City Manager Tom Williams and (2) City Attorney Mike Ogaz

2) CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING

Pursuant to CA Government Code §54957.6 City Negotiators: Bill Marion and Tom Williams

Employee Groups: Mid-Management/Confidential Group, Milpitas Police Officers Association

Under Negotiation: Wages, Hours, Benefits, and Working Conditions

III. CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session if required, pursuant to CA Govt. Code §54957.1, including the vote on abstention of each member present

IV. PLEDGE OF ALLEGIANCE

V. INVOCATION (Mayor Esteves)

VI. APPROVAL OF COUNCIL MEETING MINUTES – November 1, 2011

VII. SCHEDULE OF MEETINGS – COUNCIL CALENDARS for November and December 2011

VIII. PRESENTATIONS

- Proclaim Friday, November 18, 2011 as *Use Less Stuff Day*
- *2011 Neighborhood Beautification Awards to Property Owners* (reception in the 2nd floor lobby will follow awards presentation)

IX. PUBLIC FORUM

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

X. ANNOUNCEMENTS

XI. ANNOUNCEMENT OF CONFLICT OF INTEREST

XII. APPROVAL OF AGENDA

XIII. CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a member of the City Council, member of the audience, or staff requests the Council to remove an item from or be added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

XIV. PUBLIC HEARINGS

- 1. Hold a Public Hearing and Adopt a Resolution Approving the Contour Residential Project Located at 300, 324-368 Montague Expressway (Staff Contact: Cindy Hom, 586-3284)**
- 2. Hold a Public Hearing, Introduce Ordinance No. 38.800 to Amend the Zoning Code Maps of Approximately 24 Acres of Land along Montague Expressway from Very High Density Mixed Use to High Density Transit Oriented Residential, and Adopt a Resolution to Approve the Harmony Housing Development at 1765 McCandless Drive (Staff Contact: Tiffany Brown, 586-3283)**

XV. UNFINISHED BUSINESS

- 3. Approve Conceptual Design for a New Public Park Located at North Main Street and Railroad Avenue, Project No. 5092 (Staff Contact: Bonnie Greiner, 586-3227)**
- 4. Receive an Update on the Timeline of Responses to Request for Proposals on Public Safety Outsourcing Options (Staff Contact: Tom Williams, 586-3051)**

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

- RA1. Call to Order/Roll Call by the Mayor/Chair**
- RA2. Approval of Minutes – November 1, 2011**
- RA3. Approval of Agenda and Consent Calendar**
- RA4. Accept the City's Comprehensive Annual Financial Report, Component Unit Financial Statements, and Other Related Annual Audited Reports for the Fiscal Year Ended June 30, 2011 (Staff Contact: Emma Karlen, 586-3145)**
- *RA5. Accept the Milpitas Redevelopment Agency Fiscal Year 2010-11 Annual Report (Staff Contact: Emma Karlen, 586-3145)**
- RA6. Agency Adjournment**

XVII. ECONOMIC DEVELOPMENT CORPORATION MEETING

- EDC1. Call to Order/Roll Call by the Mayor/Chair**
- EDC2. Approval of Agenda/Consent Calendar**
- *EDC3. Approve a Contract with Don Fraser & Associates for Fiscal Analysis Services in an Amount Not-to-Exceed \$30,000 (Staff Contact: Diana Barnhart, 586-3059)**
- EDC4. Corporation Adjournment**

XVIII. REPORTS OF OFFICERS AND COMMISSIONS

- * 5a. Consider Mayor's Recommendation for Re-appointment to Milpitas Public Art Committee (Contact: Mayor Esteves, 586-3029)
- * 5b. Consider Current Planning Commission Appointments and Vote to Remove One Member (Contact: Mayor Esteves, 586-3029)
- 6. Request of Councilmember Giordano to Hear a Report from Staff on Policy Regarding the Sister Cities Commission and Notification of Visiting Delegations (Contact: Councilmember Giordano, 586-3032)
- 7. Request of Councilmember Polanski for a Report Regarding the City's E-mail Policy (Staff Contact: Mike Ogaz, 586-3040)
- 8. Request of Councilmember Polanski for a Report on Responses to Three Months of Public Records Act Requests (Staff Contact: Mary Lavelle, 586-3001)
- * 9. Request of Councilmember Gomez to Adjust the December 2011 Meeting Schedule of the City Council (Contact: Councilmember Gomez, 586-3032)

Sister Cities Commission/Veterans Commission

- 10. Review Recommended Changes and Proposed Updates to the Flag Ordinance (Staff Contacts: Mike Ogaz, 586-3041, and Leslie Stobbe, 586-3352)

XIX. NEW BUSINESS

- 11. Receive the Monthly Economic Development Report (Staff Contact: Diana Barnhart, 586-3059)
- 12. Review Youth Sports User Group Field Use Allocation Process (Staff Contact: Bonnie Greiner, 586-3227)
- * 13. Authorize the Response to the 2010-11 Santa Clara County Grand Jury Report Concerning Emergency Dispatch Services (Staff Contacts: Police Chief Graham, 586-2502, and Fire Chief Sturdivant, 586-2811)
- * 14. Accept the Office of Justice Programs 2009 and 2011 Bulletproof Vest Partnership Grant Funds, and Appropriate the Funds into the Police Department's Operating Budget (Staff Contact: Armando Corpuz, 586-2534)
- * 15. Accept the Association of Bay Area Governments FY 2010-11 Grant Funds, and Appropriate the Funds into the Police Department's Operating Budget (Staff Contact: Armando Corpuz, 586-2534)
- * 16. Appropriate Funds into the Police Department's Operating Budget for Equipment for the Communications Center Upgrade (Staff Contact: Sandy Holliday, 586-2433)
- * 17. Approve the 2012 Commissioners' Recognition Event (Staff Contact: Dale Flunoy, 586-3228)

XX. RESOLUTIONS

- * 18. Adopt a Resolution Approving the Rate Adjustments for Solid Waste and Recycling Services Provided by Allied Waste Services of North America (Staff Contact: Kathleen Phalen, 586-3345)

- * 19. **Adopt a Resolution Making Findings for Unexpended Development Fees and Review, and Accept the Annual Developer Fee Disclosure Information (Staff Contact: Emma Karlen, 586-3145)**
- * 20. **Adopt a Resolution Authorizing the Public Works Director to Execute the Right-of-Way Certification for Federally Funded Projects with the California Department of Transportation (Staff Contact: Steve Chan, 586-3324)**

XXI. CONTRACT

- * 21. **Authorize the City Engineer to Execute a Contract Change Order with Forster & Kroeger Inc., and Approve a Budget Appropriation for the Median Mulch and Street Tree Maintenance for Great Mall Parkway, Project No. 2001 (Staff Contact: Steve Erickson, 586-3301)**

XXII. ADJOURNMENT

**NEXT CITY COUNCIL MEETING:
TUESDAY, DECEMBER 6, 2011 AT 7:00 P.M**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: mogaz@ci.milpitas.ca.gov / Fax: 408-586-3056 / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council/Redevelopment Agency after initial distribution of the agenda packet are available for public inspection at the City Clerk's Office/Information Desk at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, and at the Milpitas Library during normal business hours.

APPLY TO BECOME A CITY COMMISSIONER!

Current vacancies exist on the:
Arts Commission (alternate)
Emergency Preparedness Commission
Sister Cities Commission (student non-voting member)

Applications are available online at www.ci.milpitas.ca.gov or at the City Hall Information Desk.
Contact the City Clerk's office (586-3003) for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at 586-3001 or send an email to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the Council Chambers for all meetings. TDD phone number (408) 586-3013.

AGENDA REPORTS

XIV. PUBLIC HEARINGS

1. Hold a Public Hearing and Adopt a Resolution Approving the Contour Residential Project Located at 300, 324-368 Montague Expressway (Staff Contact: Cindy Hom, 586-3284)

Background: The Contour Residential Project consists of a request for a Major Tentative Map Amendment (TM11-003), a Site Development Permit Amendment (SA11-0012), and a Conditional Use Permit (UP11-0033) for the development of 134 residential units, associated site improvements and common area lots and to allow for exceptions on certain setbacks and lot area requirements. The proposed project is located within the Montague Corridor Sub-District of the Transit Area Specific Plan and is situated at the southeast corner of the intersection at Montague Expressway and Trade Zone Boulevard. The Contour Residential Project site will lie within the proposed rezone of portions of the Transit Area Specific Plan area presented as a component of item no. 2, the Harmony project.

The Contour Residential Project will be comprised of 91 attached town homes and 43 detached single family homes. The home design and plan options provide a variety of housing types, including 2-bedroom, 3-bedroom and 4-bedroom residences that will cater to a variety of households, different income levels, different age groups, and different lifestyles. A detailed description of the project can be found in the Planning Commission staff report included in the Council's agenda packet as Attachment I. The Planning Commission recommended approval of the project at its October 12, 2011 meeting.

Fiscal Impact: None.

Attachments:

- A. City Council Resolution
- B. Project Plans
- C. Project Description Letter
- D. Storm Water Control Plan
- E. Traffic Impact Assessment
- F. Noise Study
- G. Arborist Report
- H. Public Comments
- I. 10-12-11 Planning Commission Report & Approved Meeting Minutes

Recommendations:

- 1. Hold a public hearing to receive comments, and move to close the public hearing.
- 2. Adopt a resolution to approve the Contour Residential Project.

2. Hold a Public Hearing, Introduce Ordinance No. 38.800 to Amend the Zoning Code Maps of Approximately 24 Acres of Land Along Montague Expressway from Very High Density Mixed Use to High Density Transit Oriented Residential, and Adopt a Resolution Approving the Harmony Housing Development at 1765 McCandless Drive (Staff Contact: Tiffany Brown, 586-3283)

Background: D.R. Horton submitted an application for two separate actions. The first requested action is comprised of a rezoning request (General Plan Amendment (GP11-0001), Zoning Amendment (ZA11-0001), and Specific Plan Amendment (ST11-0001)) for approximately 24 acres located along Montague Expressway and Trade Zone Blvd. The second requested action is approval of D.R. Horton's residential development project. This request for approval of the residential development project requires a Major Tentative Map (MT11-0001), Site Development Permit (SD11-0007) and Conditional Use Permit (UP11-0031) to construct 276 Single Family attached townhomes and condos on 12.3 acres at the northwest corner of

Montague Expressway and McCandless Drive. For purposes of administrative convenience, both matters are presented here.

Rezone Proposal: On February 15, 2011, the Council/Redevelopment Agency approved an agreement with Mission West Properties to purchase three parcels totaling 10.89 acres of developed land located along the east side of McCandless Drive. The intended use of these parcels is for the future development of a joint community park and school pursuant to Transit Area Specific Plan Policy 3.49. A condition of this sale was the City support and presentation for public consideration proposed amendments to the General Plan, Transit Area Specific Plan (TASP), and Zoning Map to change the land use designation of two other properties owned by Mission West Properties located along Montague Expressway from Boulevard Very High Density Mixed Use (MXD3) to High Density Transit Orientated Residential (R3). The rezone proposal implements this contractual obligation and would allow for flexibility in redeveloping the rezoned sites and attracting new tenants.

Harmony Housing Development: The project proposes 93 townhomes and 183 condominiums that will stand between three and four stories high, not to exceed 50 feet in height, and have a mixed variety of styles that provide a contrast to one another. Due to the unique shape of this property, application of certain Transit Area Specific Plan development standards would create a very limited building envelope for development. Therefore the applicant has requested the approval of a conditional use permit for limited design and development exceptions that are detailed in the Planning Commission staff report on pages 9 and 10 (Exhibit 1). The Planning Commission recommended approval of the project, including the requested Transit Area Specific Plan development standard exceptions, at its October 26, 2011 meeting.

Fiscal Impact: None.

Attachments:

- A. Ordinance No. 38.800
- B. City Council Resolutions
 - 1) Approving General Plan and transit Area Specific Plan Amendments
 - 2) Harmony Housing Development Project Approval
- C. 10-26-11 Planning Commission Report & Unapproved Minutes
- D. Planning Commission Resolution No. 11-047
- E. Site Plans
- F. Environmental Impact Assessment & TAC Study
- G. Excerpt from 2/15/11 Council Meeting Agenda and Approved Minutes Showing Approval of Park/School Site Purchase
- H. 9-27-11 Letters from Adams Broadwell Joseph & Cardozo Law Firm and Lozeau Drury LLP
- I. 10-19-11 Letter from Morrison Foerster on Behalf of DR Horton
- J. 10-25-11 Letter from Lozeau Drury LLP
- K. 11-2-11 Letter from DR Horton
- L. DR Horton's Environmental Checklist
- M. Environ Green House Gas Report, dated November 2, 2011

Recommendations:

- 1. Hold a public hearing to receive comments, and move to close the public hearing.
- 2. Move to waive the first reading beyond the title of Ordinance No. 38.800.
- 3. Move to introduce Ordinance No. 38.800 to amend the zoning code maps and rezone approximately 24 acres of property to High Density Transit Oriented Residential (R3).
- 4. Adopt a resolution approving the General Plan and Transit Area Specific Plan amendments.
- 5. Adopt a resolution approving the Harmony residential housing development project.

XV. UNFINISHED BUSINESS

3. Approve Conceptual Design for a New Public Park Located at North Main Street and Railroad Avenue, Project No. 5092 (Staff Contact: Bonnie Greiner, 586-3227)

Background: The City Council authorized the purchase of a 1.6 acre property at North Main Street at Railroad Avenue at its June 15, 2010 meeting. Funding for the design of a new public park to be located on the 1.6 acre City owned property was approved in the 2011-2016 Capital Improvement Program (Project No. 5092).

Mark Robson, owner of Robson Homes, provided the City access to the SWA Group to assist in developing park design concepts for the North Main Street Park property north of the Library.

The Parks, Recreation and Cultural Resources Commission (PRCRC) reviewed several design concepts with assistance from the SWA Group for the new North Main Street Park at its May 2, 2011 meeting. Commissioners identified different elements they would like included in their recommendation to City Council including: a water feature/stage area, flower garden, identified locale for a historical museum, pathways lined with trees, shaded seating areas, open grass space and area for memorial site (pavers, benches etc). Commissioners also discussed what elements they did not want included in the future park, including picnic tables, a permanent kiosk and playground.

To solicit community feedback on the proposed design, two community meetings were held - one at the Milpitas Library in June 2011 and one at the Images and Reflections neighborhood in September 2011. Those attending the meetings requested a more active park that provided for gardens and an amphitheater as well as playground equipment. In response to the community input, staff requested that the PRCRC consider the comments to determine if the neighborhood interests might be accommodated in the new park. The PRCRC was scheduled to consider the neighborhood ideas on November 7, 2011. Staff will report the findings and recommendations to the City Council as part of the staff presentation.

Fiscal Impact: There is no fiscal impact associated with this item.

Recommendation: Receive staff report on new Main Street Park and direct staff accordingly.

4. Receive an Update on Timeline of Responses to Request for Proposals on Public Safety Outsourcing Options (Staff Contact: Tom Williams, 586-3051)

Background: On March 1, 2011, the City Council voted to ascertain the costs of outsourcing police and fire services.

On March 21, 2011, staff forwarded a letter to the Santa Clara County Sheriff's Office requesting a cost and feasibility assessment to provide police services for the Milpitas equivalent in scope to the current services provided by the Milpitas Police Department. In a March 31, 2011 letter, the Sheriff's office expressed interest in providing police services and quoted an "estimated" cost, but did not detail how they would provide *equivalent* services. Since then, staff researched the Sheriff's operations and discovered that the level of service provided to contract cities differs substantially from the police services currently provided in Milpitas. For instance, Sheriff's emergency response times to the current contract cities appear to be substantially slower than those provided by the Milpitas Police Department.

The Milpitas Fire Department has conducted preliminary inquiries regarding fire outsourcing. A Letter of Solicitation was issued March 14, 2011 to Cal-Fire (State) and Santa Clara County Fire District (County). Both organizations expressed lukewarm interest due to a lack of a comprehensive Request for Proposals being developed and released. Cal-Fire expressed the need for Milpitas to commit to a 30-year agreement along with a four-out-of-five favorable vote of the City Council in support of outsourcing fire services. County Fire expressed concern due to a lack of a contiguous border that inhibits a rapid response for additional resources into Milpitas if

needed. Milpitas Fire is adamant that the current level of fire service (four- minute response times, ALS on every rig, etc.) in the community be maintained, if not enhanced, as opposed to a degraded level of service based on the current service delivery model of the awarded contract provider.

Going forward, obtaining a detailed, realistic estimate of the cost of outsourcing equivalent police and fire services would take an additional three months, inclusive of one to two months for the finalization of Request for Proposals for police services and for fire services; a 30-day response period for any interested respondents; one to two months to review and assess any proposals that are received, including interviews of the top-rated agencies; and another 15 days to present to the City Council. As such, final proposals, if received could be presented to City Council as early as April 2012.

The primary challenge, staff has realized, to receiving adequate responses from outside providers is ensuring that any respondents will reply to City of Milpitas' existing needs, expectations, and level of service rather than applying their current level of service and practice to the City of Milpitas. The Request for Proposal process will address the City's level of service needs and expectations to ensure that any respondent has provided a reliable submittal, so that the current high level of public safety services in Milpitas is not compromised.

Fiscal Impact: Unknown at this time.

Attachments: (1) Milpitas Fire Department Letter of Solicitation, (2) response letter from County Fire, (3) March 31, 2011 response letter from Sheriff Laurie Smith, and (4) Cal Fire memo of March 29, 2011.

Recommendation: Receive a report from the City Manager and the Chiefs of Police and Fire.

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA4. Accept the City's Comprehensive Annual Financial Report, Component Unit Financial Statements, and Other Related Annual Audited Reports for the Fiscal Year Ended June 30, 2011 (Staff Contact: Emma Karlen, 586-3145)

Background: Transmitted herewith are the Comprehensive Annual Financial Report (CAFR) of the City of Milpitas, Milpitas Redevelopment Agency Component Unit Financial Statements, Single Audit Report, Bicycle/Pedestrian Projects Financial Statements, Agreed Upon Procedures Report on Compliance with the Appropriations Limit Increment and the Memorandum on Internal Control and Required Communications for the fiscal year ended June 30, 2011.

Comprehensive Annual Financial Report (CAFR) of the City of Milpitas

The CAFR presents the operations and financial activity of all the City's various funds, including the General Fund. It includes an unqualified audit opinion from Maze & Associates, the City's external auditors, that the financial statements present fairly the results of operations for the year ended June 30, 2011, in conformance with Generally Accepted Accounting Principles (GAAP).

Milpitas Redevelopment Agency Component Unit Financial Statements

The Milpitas Redevelopment Agency is a component unit of the City of Milpitas. The accompanying component unit financial statements present the operations and financial activity of the Milpitas Redevelopment Agency including the Agency's redevelopment project fund and housing reserve fund. The Agency's Component Unit Financial Statements include an unqualified audit opinion from Maze & Associates, the Agency's external auditors that the financial statements present fairly the results of operations for the year ended June 30, 2011, in conformance with GAAP. The report from Maze & Associates also includes a Compliance Report indicating that the Agency complied, in all material respects, with provisions of laws and

regulations contained in the Guidelines for Compliance Audits of California Redevelopment Agencies issued by the State Controller's Office.

Single Audit Report

The Single Audit is required by the Office of Management and Budget Circular A-133 for state and local governments and non-profit organizations that receive Federal Awards. The report did not disclose any material weaknesses or significant deficiencies on the internal control over the major federal award programs.

Bicycle/Pedestrian Projects Financial Statements

The Bicycle/Pedestrian Projects Financial Statements includes Bicycle/Pedestrian Projects that were developed using Transportation Development Act (TDA) grants. The auditor issued an unqualified opinion on these statements.

Agreed Upon Procedures Report on Compliance with the Appropriations Limit Increment

This report shows the auditor applied specific procedures to validate the City's Appropriations Limit calculations.

Memorandum on Internal Control and Required Communications

Under generally accepted auditing standards, the City's auditors are encouraged to report certain matters regarding the City's internal control structure. The City's auditors have provided such a report in their Memorandum on Internal Control and Required Communications ("Management Letter") for the Year Ended June 30, 2011. This report includes management response to the auditor's recommendations on monitoring current and future Redevelopment Agency-related transactions, Senior Center cash collections, periodic review of the General Ledger access log, and regular change of passwords on the financial application. It should be noted that the auditors do not view any of their comments as material weaknesses or significant deficiencies on the City's internal control structure.

Fiscal Impact: There is no fiscal impact for the recommended action.

Recommendation: Accept the City's Comprehensive Annual Financial Report, the Redevelopment Agency Component Unit Financial Statements, and other related Annual Audited Reports for the fiscal year ended June 30, 2011.

- *RA5. Accept the Milpitas Redevelopment Agency Fiscal Year 2010-11 Annual Report (Staff Contact: Emma Karlen, 586-3145)**

Background: Pursuant to the reporting requirements of Community Redevelopment Law and the Agency's bylaws, the Agency must prepare a report annually to its legislative body within six months of its fiscal year end. Staff prepared the Fiscal Year 2010-11 Annual Report to provide Agency board members with an overview of the redevelopment activities and accomplishments for the two project areas. An independent financial audit report will be presented for the Agency Board's acceptance on the agenda item above.

Fiscal Impact: There is no fiscal impact for the recommended action.

Recommendation: Accept the Milpitas Redevelopment Agency Fiscal Year 2010-11 Annual Report.

- RA6. Agency Adjournment**

XVII. ECONOMIC DEVELOPMENT CORPORATION MEETING

- *EDC3. Approve a Contract with Don Fraser & Associates for Fiscal Analysis Services in an Amount Not-to-Exceed \$30,000 (Staff Contact: Diana Barnhart, 586-3059)**

Background: Economic Development Corporation (EDC) staff is in the process of evaluating the use of economic development funds and the potential for future redevelopment tax increment funds for the implementation of the City's Five Year Capital Improvement Program (CIP) and other economic development and stimulation project and programs the EDC may wish to undertake.

Professional assistance is necessary to prepare the fiscal analysis. Fraser & Associates has performed similar functions for the City as part of previous bond issues. Don Fraser, the principal of the firm, has a strong working knowledge of the City's financials and would be able to begin immediately working with staff on this project and to identify possible EDC actions to spur future economic growth.

Fiscal Impact: Funds are available in the Milpitas Economic Development Corporation for this proposed contract.

Recommendation: Authorize the EDC President to execute a contract with Fraser & Associates for an amount not to exceed \$30,000, and approve a budget appropriation from the Economic Development Corporation Fund

EDC4. Corporation Adjournment

XVIII. REPORTS OF OFFICERS AND COMMISSIONS

*** 5a. Consider Mayor's Recommendation for Re-appointments to Milpitas Public Art Committee (Contact: Mayor Esteves, 586-3029)**

Background: Mayor Esteves recommends Larry Voellger be re-appointed to the Public Art Committee to a term that expires in October 2014.

Recommendation: Consider the recommendation from Mayor Esteves, and move to re-appoint Larry Voellger to the Milpitas Public Art Committee.

*** 5b. Consider Current Planning Commission Appointments and Vote to Remove One Member (Contact: Mayor Esteves, 586-3029)**

Recommendation: Upon recommendation of Mayor Esteves, vote to remove Mark Tiernan from the Milpitas Planning Commission, creating a vacancy in the current term that expires in December 2012.

6. Request of Councilmember Giordano to Hear a Report from Staff on Policy Regarding the Sister Cities Commission and Notification of Visiting Delegations (Contact: Councilmember Giordano, 586-3032)

Background: Councilmember Giordano requested to receive a report regarding the policies of the Sister Cities Commission, specifically regarding visiting delegations to the City of Milpitas.

Recommendation: Hear report of Councilmember Giordano and receive information.

7. Request of Councilmember Polanski for a Report Regarding the City's E-mail Policy (Staff Contact: Mike Ogaz, 586-3040)

Background: Inquiry was made by Councilmember Polanski as to what policy exists regarding the use of the City e-mail system for purposes of informing City employees of upcoming events sponsored by outside organizations. Staff research into the question has revealed that Standard Operating Procedure (SOP) 9-02 prohibits all but incidental personal use of the internet by City employees using City computers, but does not address the propriety of sending mass messages to

City employees on behalf of outside organizations. The City Attorney found no official City policy that governs this practice.

Information Services provides that the practice of sending mass e-mails to City employees can only be accomplished within the City network and only by designated employees. Thus, an SOP governing the practice by any City employee should be effective to create consistent practice throughout the City.

Legal Analysis: Allowing outside organizations to publish their events to City employees through mass e-mails arguably creates what is called a public forum. These are typically geographical places, such as parks or city sidewalks, where all forms of public speech are allowed. Public forums can be limited in some cases but cannot be used to exclude the views of unpopular groups and their viewpoints. The City might provide a limited public forum allowing mass messages to its employees only for nonprofit organizations, for instance, but then it would have to accept event flyers from all nonprofits regardless of content. The City could also limit the use to events that are co-sponsored by the City and thus assure that only events that the City has an interest in are displayed. Each of these attempts to create a limited public forum could be challenged on First Amendment grounds by those groups that fall outside of those that are allowed. The most defensible approach, from a liability standpoint, is a total ban. This would restrict such mass e-mails to City business only.

Staff seeks Council direction on whether to create a policy that completely bans or one that creates a limited public forum. As to the latter, direction is sought as to the desired parameters.

Fiscal Impact: None.

Recommendation: Instruct the City Attorney to draft an appropriate Standard Operating Procedure, for the signature of the City Manager, governing the practice of sending mass e-mail messages to City staff on behalf of outside organizations.

8. Request of Councilmember Polanski for a Report on Responses to Three Months of Public Records Act Requests (Staff Contact: Mary Lavelle, 586-3001)

Background: On November 1, Councilmember Polanski requested to receive a report on the City staff's responses to Public Records Act requests for the three months of August, September and October of this year. The City Clerk gathered information from all City Departments to provide the report, included in the agenda packet.

Recommendation: Receive the written report from the City Clerk listing Public Records Act responses for the past three months, as requested by Councilmember Polanski.

*** 9. Request of Councilmember Gomez to Adjust the December 2011 Meeting Schedule of the City Council (Contact: Councilmember Gomez, 586-3032)**

Background: Councilmember Gomez requests his colleagues to consider canceling the second regularly scheduled City Council meeting in December (on the 20th). In other years, when the meeting date has fallen close to the holidays, City Council has made this adjustment. The next regular meeting following December 6 would be Tuesday, January 3, 2012.

Recommendation: Move to adjust the 2011 City Council meeting schedule to cancel the regularly scheduled meeting on December 20, 2011.

Sister Cities Commission/Veterans Commission

10. Review Recommended Changes and Proposed Updates to the Flag Ordinance (Staff Contacts: Mike Ogaz, 586-3041, and Leslie Stobbe, 586-3352)

Background: On June 23, 2011 and August 3, 2011, respectively, the Sister Cities and Veterans Commissions recommended changing the Display of Flags Ordinance to allow flying of foreign country and city flags of official Sister Cities in the Veterans Plaza during a delegation visit. This site is recommended due to its prominent and picturesque location.

Title 1, Chapter 600 of the Milpitas Municipal Code outlines flag raising procedures. Written before completion of the existing City Hall and adjacent Veterans Plaza, this ordinance needs updating to reflect the current inventory of flag poles at City facilities:

- City Hall (front), 3 poles
- Community Center (north side), 3 poles (at former Veterans Memorial site)
- Veterans Plaza (between Community Center and City Hall), 4 poles
- Barbara Lee Senior Center (front), 3 poles
- Higuera Adobe, 2 poles

Currently, the two poles at the Higuera Adobe may be used by community groups to raise ceremonial flags and poles at the Community Center are not in use. All other sites follow national standards for flying the National, State and City flags.

Staff seeks policy direction to fly foreign country and city flags of official Sister Cities in the Veterans Plaza during a delegation visit and a review of standards for flag sites at City facilities. A copy of the Municipal Code section related to flags is included in the Council agenda packet.

Fiscal Impact: None.

Recommendation: Review and provide direction to City staff.

XIX. NEW BUSINESS

11. Receive the Monthly Economic Development Report (Staff Contact: Diana Barnhart, 586-3059)

Background: Business Retention in Milpitas Follow-up: Staff has been in contact with all businesses that indicated they were “at risk” when the Milpitas Chamber of Commerce met with them as part of the Business Retention in Milpitas outreach program. In addition, staff met with Valley Transportation Authority (VTA) representatives regarding its easement, rights-of-way and land acquisition program as a result of Council inquiries and Chamber reports. While the negotiations for acquisition are confidential, VTA staff was able to provide a thorough overview of the areas where businesses will be impacted and a sense of what the schedule is for the actions. Most of the businesses impacted, approximately 25, are impacted by the utility relocation contract which is anticipated to be awarded by the VTA Board in December. Utility relocation is the first step in the process for the BART extension and station construction in Milpitas. Staff will continue to meet with VTA staff and work together to retain as many impacted businesses as possible in Milpitas.

McCarthy Ranch Marketplace: Another party is in contract for possible purchase of the existing Marketplace north of Ranch Drive and east of McCarthy Boulevard. Staff is meeting with the potential buyers and also in contact with current ownership during the due diligence period.

Great Mall: Staff is coordinating with the Great Mall management staff in preparation of the upcoming Black Friday shopping event. In addition, City staff will work with the Mall to develop a program that will allow a more comprehensive approach to special event activities so that life safety is at the forefront of event layouts and implementation.

Fiscal Impact: There is no fiscal impact associated with this action.

Recommendation: Receive the monthly economic development report from the Economic Development Manager.

12. Review Youth Sports User Group Field Use Allocation Process (Staff Contact: Bonnie Greiner, 586-3227)

Background: At the request of Councilmember Giordano, this item has been placed on the agenda for review. In 2004, the Milpitas City Council approved the Facility Use Rules and Regulations for Indoor and Outdoor Facilities with the priorities for facility, park and field reservations (listed below). Due to the increase of youth sport participants and an increase in the number of youth sport organizations requesting the use of the same fields during the same seasons, the City of Milpitas implemented and updated in 2004 the following priority policies.

Milpitas Youth Sport User Group Field request meetings are held bi-annually with requests being approved and scheduled following the established Priority Regulations.

The Priorities are as follows:

Priority I: City Administered programs.

Priority II: Programs or activities for Senior Citizens and approved co-sponsored groups which are principally composed of local residents (51% or more), private or public school located in Milpitas, the Milpitas Chamber of Commerce and governmental agencies.

Priority III: Non-profits that are organized for recreational, social, cultural, religious or civic purpose and whose membership is principally composed of local residents (51% or more) or whose charter is based in Milpitas.

Priority IV: Any other group, business or individual resident of the City of Milpitas.

Priority V: Any non-resident group, business or individual.

Fiscal Impact: None. There is no fiscal impact associated with this item.

Recommendation: Review Youth Sports Field allocation process and direct staff accordingly.

*** 13. Authorize the Response to the 2010-11 Santa Clara County Grand Jury Report Concerning Emergency Dispatch Services (Staff Contacts: Police Chief Graham, 586-2502, and Fire Chief Sturdivant, 586-2811)**

Background: On June 15, 2011, the 2010-11 Santa Clara County Grand Jury issued a report on Emergency Dispatch in Santa Clara County (“Can You Hear Me Now?” Emergency Dispatch in Santa Clara County). The Grand Jury listed two findings and two recommendations in regard to public safety dispatching, which require a response from the City of Milpitas, per section 933 (c) of the California Penal Code. Staff recommends authorizing the Mayor to send the letter of response (draft in agenda packet) in reply to the Civil Grand Jury report.

Fiscal Impact: None.

Recommendation: Authorize the Mayor to send the proposed response letter to the Santa Clara County Civil Grand Jury.

*** 14. Accept the Office of Justice Programs 2009 and 2011 Bulletproof Vest Partnership Grant Funds, and Appropriate the Funds into the Police Department’s Operating Budget (Staff Contact: Armando Corpuz, 586-2534)**

Background: The United States Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership / Body Armor Safety Initiative has provided the Milpitas Police Department grant funds towards the purchase of ballistic vests. The amount remaining of the 2009 grant is \$7,697.92 and the 2011 grant amount is \$5,707.06. The total remaining grant balance is \$13,404.98. The grants must be spent by August 31, 2013 and they will reimburse the City of Milpitas for 50% of the cost of each ballistic vest. The Police Department expects to expend these grant funds prior to the end of Fiscal Year 2011-12.

Pursuant to the City of Milpitas and Milpitas Police Officers Association Memorandum of Understanding Section 22.11, the City of Milpitas agrees to replace ballistic vests that have been in use for five years.

Fiscal Impact: None. The City's matching funds are budgeted in the Police Department's supplies account.

Recommendation: Accept the 2009 and 2011 Bulletproof Vest Partnership grants and approve an appropriation in the amount of \$13,404.98 into the Police Department's operating budget.

- * 15. **Accept the Association of Bay Area Governments FY 2010-11 Grant Funds, and Appropriate the Funds into the Police Department's Operating Budget (Staff Contact: Armando Corpuz, 586-2534)**

Background: The Association of Bay Area Governments (ABAG) Pooled Liability Assurance Network (PLAN) has granted the Milpitas Police Department funds to purchase equipment that will reduce liability exposures and assist in defending third party claims against the City of Milpitas. The remaining FY 2010-11 grant fund balance is \$22,984.69 and has a spending deadline of December 31, 2011. The Police Department wishes to use the grant monies to acquire Tasers, Taser Video/Audio Cameras, and Personal Video/Audio Recording Devices. There is no requirement for matching funds.

Fiscal Impact: None. The FY 2010-11 Association of Bay Area Governments grant in the amount of \$22,984.69 will cover the proposed purchases.

Recommendation: Accept the ABAG PLAN grant and approve an appropriation in the amount of \$22,984.69 into the Police Department's operating budget.

- * 16. **Appropriate Funds into the Police Department's Operating Budget for Equipment for the Communications Center Upgrade (Staff Contact: Sandy Holliday, 586-2433)**

Background: The State of California collects fees from all phone service subscribers for the purpose of maintaining the 9-1-1 system. The fees collected fund the maintenance and upgrade of every piece of equipment needed in 9-1-1 centers to operate the system. Administration of funding for equipment and services related to the answering of 9-1-1 calls is based upon laws passed by the California State Legislature. The California 9-1-1 Office (Public Safety Communications Office) manages the State Emergency Telephone Number Account and reimburses agencies for equipment and services necessary for the delivery and answering of 9-1-1 in the State of California. The law provides the authority to public agencies to obtain equipment from any vendor; however, reimbursable costs cannot exceed those amounts that have been approved by the 9-1-1 Office.

The Public Safety Communications Office provides funding for local 9-1-1 centers, otherwise known as public safety answering points (PSAP) to upgrade 9-1-1 phone systems every 5 years. The funding also includes customer premise equipment (CPE), which directly supports the prompt and efficient handling of direct 9-1-1 calls. Consoles (furniture work stations, chairs,

etc.) are considered to be CPE. Last year, the City of Milpitas Police Department was allotted \$141,000 to upgrade the phone lines and CPE (funded and paid solely by the state).

The 9-1-1 Office will fund and pay vendors directly, if the vendor has a California Multiple Award Schedule (CMAS) contract. Occasionally, however, some vendors are needed to complete the work or provide CPE that is not on the CMAS contract. In these instances, the City funds payment for the vendor and the State 9-1-1 Office reimburses the City in full for any funds paid for the CPE.

The City of Milpitas Police Department requested, and was subsequently approved, to upgrade the following items using 9-1-1 funds from vendors with CMAS contracts:

1. Digital Logging Recorder
 - a. Verint Audiolog Logger **\$24, 454.95**
2. Mapping and spare phone computer monitors
 - a. CDW-G **\$7,413.08**
3. Spare headsets, wireless units and batteries
 - a. Adcom/BHS **\$2,955.86**
4. Dispatch Consoles/Furniture
 - a. Xybix Systems **\$84,204.34**
5. Dispatch Chairs (Chair Pros)
 - a. Concept Seating **\$3455.03**
 - b. RFM Dispatch Seating **\$1,772.23**
6. AT&T
 - a. Add/move/change telephone consoles **\$2,565.00**

The total using 9-1-1 funds from vendors with CMAS contracts is **\$124,255.49**.

The City of Milpitas Police Department requested, and was subsequently approved, to upgrade the following items using 9-1-1 funds from vendors without CMAS contracts:

1. Telecommunications Engineering Associates
 - a. Add/move/change phone/radio jacks and equipment **\$5,141.28**
2. Chair Pros
 - a. Replacement parts for existing dispatch chairs **\$2,898.90**

The total using 9-1-1 residual funds from vendors without CMAS contracts is **\$8,040.18** and both contract amounts are within staff's purchasing authority.

Fiscal Impact: None. The initial cost for vendors not on the CMAS contract of \$8,040.18 will be reimbursed by the state.

Recommendation: Approve an appropriation in the amount of \$8,040.18 into the Police Department's operating budget for the Communications Center Upgrade and accept the reimbursement of \$8,040.18 from the State of California Public Safety Communications Office.

- * 17. **Approve the 2012 Commissioners' Recognition Event (Staff Contact: Dale Flunoy, 586-3228)**

Background: The City of Milpitas recognizes its Commissioners in April at the annual Commissioners' Recognition Event. The event celebrates the volunteerism of our Commission and Committee Members and their accomplishments. Many positive comments from the Commissioners were received from last year's recognition event, and were extremely pleased with the venue.

A Commissioners' Celebration Brunch would be held at Dave & Busters on a Saturday, April 14, 2012 from 9:00 am to 11:00 am. A sit down buffet brunch would be provided to City Commissioners and Committee members and one guest. Signature Buffet includes chef carved brown sugar glazed ham, chef's omelet station, bacon, breakfast sausage, country redskin potatoes, toasted English muffins with whipped butter and jelly, blackened chicken pasta, goldfingers (chicken strips) served with chipotle-honey sauce, fresh fruit display, assorted dessert squares, assorted juices, coffee, and hot tea.

Fiscal Impact: None. \$8,000 is included in the FY 2011-12 City Council budget for this event.

Food/Drink:	\$5,475	Signature Buffet - based on 170 attendees
Invitations/Certificates	\$ 600	
Entertainment:	\$ 400	
Misc. Supplies:	<u>\$ 500</u>	
	\$6,975	

Recommendation: Approve the 2012 Commissioners' Recognition Event to be held at Dave & Busters on April 14, 2012, with a total budget of \$6,975. Staff also recommends the cost savings of \$1,025 to remain in the City Council budget to be used at its discretion.

XX. RESOLUTIONS

- * 18. **Adopt a Resolution Approving the Rate Adjustments for Solid Waste and Recycling Services Provided by Allied Waste Services of North America (Staff Contact: Kathleen Phalen, 586-3345)**

Background: Residential and commercial solid waste service in Milpitas is provided through long-term franchise agreements with Allied Waste Services of North America (Allied). These private services include garbage collection and disposal, recycling and yard trimming programs, and street sweeping. The agreements stipulate that the maximum allowable rates charged by the private hauler are adjusted every two years to incorporate changes in inflation, as measured by the consumer price index (CPI), and extraordinary costs, stemming from regulatory requirements imposed on Allied after execution of their contract. Extraordinary and street sweeping costs are allocated among the customer classes based on disposal tonnage and these costs are fixed in accordance with the collected tonnages of the prior two years per customer class and then allocated to the existing customer base within each class. Allied's next rate ceiling adjustment is due January 1, 2012 and the new rate will be in effect through December 31, 2013.

Staff has reviewed Allied's pro forma submission of costs and customer rates for the next two years and finds them to be in accordance with contract requirements. The applied CPI factor increased 3.35% in the past two years. Adding the extraordinary costs allocations to the CPI factor results in a single-family residential customer's rate increase of 3.37%, from \$60.54 to \$62.60 per each two month billing period. Other customer classes will see similar increases from the CPI adjustment and the allocation of extraordinary expense based on customer class tonnage. Multifamily tonnage is down compared to the previous review which makes it change in allocation of extraordinary costs relatively higher. The opposite is true for commercial front load and roll-off customers who have either a relative increase or stabilization of tonnage compared to the last period. Two years before, the roll-off class had a steep rate increase due to the loss of accounts in the prior period. The Finance Subcommittee reviewed this item on October 20 and recommended approval of this action to the City Council.

Fiscal Impact: None. There will be no fiscal impact to the City from the rate adjustment as garbage collection is a private service provided by a corporate entity and the franchised service costs are those solely of the private company. Rates themselves are not imposed by the City.

Recommendation: Adopt a resolution approving the January 1, 2012 through December 31, 2013 rate ceiling adjustments for recycling and solid waste services in accordance with contract requirements.

*** 19. Adopt a Resolution Making Findings for Unexpended Development Fees and Review, and Accept the Annual Developer Fee Disclosure Information (Staff Contact: Emma Karlen, 586-3145)**

Background: Government Code Section 66000 et seq. requires local agencies to provide an accounting of fees charged for development projects. The City has two basic accounting and reporting responsibilities under the Government Code. Section 66001(d) requires that, five years after collecting a development fee subject to this code section and every five years thereafter, the local agency shall make findings with respect to any portion of the fee remaining unexpended, whether committed or uncommitted. If the required findings are not made, the unexpended funds shall be refunded.

Findings must:

1. Identify the purpose of the fee;
2. Demonstrate a reasonable relationship between the fee and the purpose for which it was charged;
3. Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements; and
4. Designate the approximate dates on which these funding sources can be expected to be deposited into the appropriate account or fund.

When sufficient funds have been collected to complete financing on incomplete public improvements, the local agency has 180 days to identify an approximate date by which the construction of the public improvement will begin or else is required to refund the unexpended fees, including accrued interest, to the current owner of lots or units of the development project.

The second requirement set forth under Government Code Section 66006 provided that the City shall establish separate capital improvement accounts or funds for each improvement funded by project development fees. Any interest income earned by funds in such an account shall be deposited in such account. Each local agency is required, with 180 days after fiscal year end, for each separate account, to make available to the public the following information:

1. Brief description of the type of fee in the account;
2. The amount of the fee;
3. The account's beginning and ending balance;
4. The amount of fees collected and the interest earned;
5. A description of the improvements on which the funds were expended and the amount expended on each improvement including the percentage of the improvement funded with development fees;
6. An approximate date by which the construction of a public improvement will begin if the local agency determines that sufficient funds have been collected to complete financing on the incomplete improvement;
7. A description of each inter-fund transfer or loan made from the account; and
8. The amount of any refunds made pursuant to Code Section 66001.

The City utilizes Traffic Impact Fee Fund and Storm Drain Development Fund to track these development related fees. Interest income is allocated to the Traffic Impact Fee Fund and Storm Drain Development Fund based on their respective monthly cash balances. Expenditures from these funds were in the form of capital improvement projects to either renovate existing facilities or maintain the existing level of service, consistent with the General Plan due to increased demand related to the development project.

Status reports (included in the agenda packet) contain a ten-year history from fiscal years 2001-02 through 2010-11 for the Traffic Impact Fee Fund and an eight-year history for the Storm Drain Development Fund. The City began to collect Storm Drain fees in FY 2003-04; consequently, there is only an eight-year history. Reports showed the amount of fees collected each year, interest income, a brief description of the projects funded, the percentage of the projects funded by the developer fees, and the beginning and ending balance of the funds. Reports indicated that at the end of June 30, 2011, the City had approximately \$3.41 million in the Traffic Impact Fee Fund and \$246,000 in the Storm Drain Development Fee Fund. Inter-fund transfers were made to capital projects that are related to the collection of the fees. There have not been any loans made from the accounts. As of June 30, 2011, the City has not refunded any of the developers' fees.

Staff identified traffic impact fees of \$877, which were collected in FY 2005-06 from a development project for traffic impact mitigation on Calaveras Boulevard. These funds will be appropriated into an existing capital improvement project (Calaveras Boulevard Widening, Project No. 4258) which will be done in cooperation with the State of California. The total cost for the project from Milpitas Boulevard to Abel Street is \$55 million and the City share of this project is approximately \$11 million. This project was included in the Santa Clara Valley Transportation Authority 2035 Long Range Plan.

Fiscal Impact: None. There is no fiscal impact for the recommended actions.

Recommendation: Adopt a resolution of the City of Milpitas making findings for unexpended development fees and review and accept the annual developer fee disclosure information.

- * 20. **Adopt a Resolution Authorizing the Public Works Director to Execute the Right-of-Way Certification for Federally Funded Projects with the California Department of Transportation (Staff Contact: Steve Chan, 586-3324)**

Background: The City periodically receives federal funds managed and administered by the California Department of Transportation (Caltrans) to improve streets and roadways. Recent rule changes now require cities to provide written summaries of the ownership status of all rights of way within a construction project, called "right-of-way certifications," before receiving federal funding. This requirement applies even if it is not necessary to acquire a right-of-way before engaging in construction.

Under the new rules, the right-of-way certification must be provided on a project by project basis either by resolution of the City Council or by staff level action by an authorized official designated by the City Council. Prior to the rule change, approval of right-of-way certifications in projects that did not involve right-of-way acquisitions was performed on the staff level. This was a part of a routine checklist forms prepared by staff per Caltrans Local Assistance procedures.

Staff recommends that Council delegate the authority to execute right-of-way certifications that do not include actual right-of-way acquisitions to the Public Works Director. This will assist in expediting project submittals to Caltrans for federal funds authorization and streamline funding applications. However, the actual award of construction projects or property acquisition will remain a City Council function and will not be affected by the recommended delegation of authority.

Fiscal Impact: None.

Recommendation: Adopt a resolution of the City of Milpitas authorizing the Public Works Director to execute right-of-way certifications for federally funded projects with the California Department of Transportation.

XXI. CONTRACT

- * 21. **Authorize the City Engineer to Execute a Contract Change Order with Forster & Kroeger Inc., and Approve a Budget Appropriation for the Median Mulch and Street Tree Maintenance for Great Mall Parkway, Project No. 2001 (Staff Contact: Steve Erickson, 586-3301)**

Background: This project was awarded to Forster & Kroeger, Inc. on December 19, 2006. The project provided for a two year-base agreement with extension options by contract amendment or change order to extend maintenance of the mulch within the median, and the street trees along Great Mall Parkway from Interstate 880 east to the City limits. Work includes trash pick-up, weed removal, the replenishment of mulch and pruning and replacement of street trees as necessary.

Staff recommends this contract for maintenance responsibilities be extended for an additional six months until such time as the Great Mall Median Landscaping project begins. Construction of the landscape project is anticipated to start in summer 2012. Staff has negotiated a change order with the contractor for an amount not to exceed \$5,000 for this additional work, which is considered reasonable. Staff recommends the approval of this change order.

Fiscal Impact: A budget appropriation of \$5,000 from the Street Fund is required for the additional costs associated with this change order.

Recommendation Authorize the City Engineer to execute a contract change order with Forster & Kroeger, and approve a budget appropriation for the Median Mulch & Street Tree Maintenance for Great Mall Parkway, Project No. 2001.

XXII. ADJOURNMENT

**NEXT CITY COUNCIL MEETING:
TUESDAY, DECEMBER 6, 2011 AT 7:00 P.M**